

Serial No.: 09/472,401

### REMARKS

Claims 1, 2, 6, 9, 10 and 13 are presently under consideration in the application. Claims 1, 2 and 10 are amended herein. Non-elected claims 3-5, 7-8, 11-12 and 14-24 have been canceled so as to place the application in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

#### I. REJECTIONS OF CLAIMS 1, 2, 6, 9, 10 AND 13

Claim 2 remains rejected under 35 USC §102(b) based on *Huang et al.* Claims 1, 6, 9, 10 and 13 remain rejected under 35 USC §103(a) based *Huang et al.* Withdrawal of each of these rejections is respectfully requested for at least the following reasons.

The Examiner maintains the rejections of claims 1, 2, 6, 9, 10 and 13 based on *Huang et al.* The Examiner contends that *Huang et al.* teaches a transfer section for transferring the bit streams at a changeable transfer rate as recited in claims 1, 2 and 10.

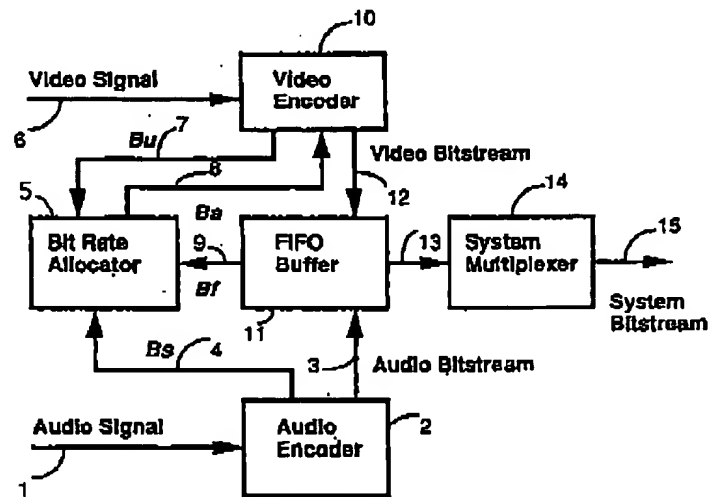


Fig. 1 of *Huang et al.*

As illustrated in Fig. 2 of *Huang et al.* (reproduced above), the Examiner now relies on the variable bitrate audio encoder 21 (Fig. 4) in the audio encoder 2 as

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representing the claimed changeable transfer rate in the form of a variable bitrate. The Examiner previously relied on the system multiplexer 14 as satisfying the requirement of a transfer section for transferring the bit streams. The Examiner considers the storage section as recited in claims 1, 2 and 10 to correspond to the FIFO buffer 11 in *Huang et al.*

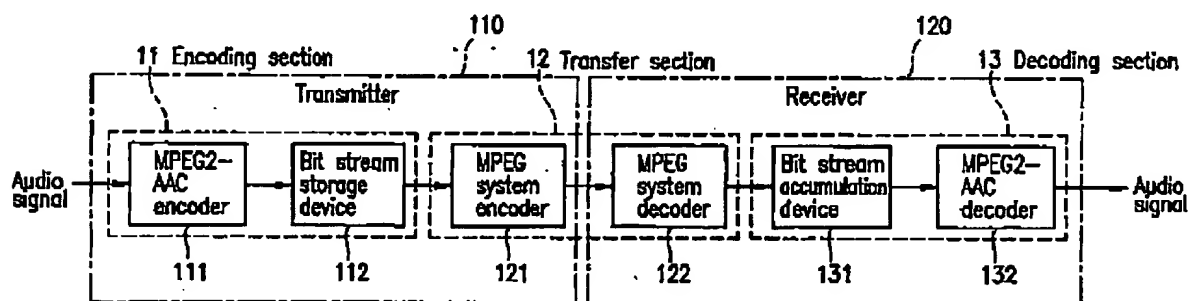


Fig. 1 of Present Application

In the present invention, it is the transfer section which transfers the bit streams stored in the storage section at a changeable transfer rate. Fig. 1 of the present application (reproduced above) illustrates a bit stream storage device 112 and an MPEG encoder 121 which transfers the bit streams stored in the bit streams storage device 112 at a changeable transfer rate.

The Examiner refers to the audio encoder 2 in *Huang et al.* as transferring a variable bitrate bit stream as claimed. However, *such bit stream is being transferred to the FIFO buffer 11 serving as the storage section.* The system multiplexer 14 in *Huang et al.* then transfers the system bit stream at a *constant* rate as previously argued by the applicants.

Claims 1, 2 and 10 have been amended to clarify further that the transfer section for transferring the bit streams transfers the bit streams from the storage section at a

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changeable transfer rate. *Huang et al.* does not teach or suggest a device as claimed wherein the transfer section transfers the bit streams from the storage section (FIFO buffer 11) at a changeable transfer rate. Rather, *Huang et al.* teaches a *fixed* transfer rate. Specifically, *Huang et al.* describes how the system multiplexer takes the bits from the FIFO buffer 11 at a *fixed or constant rate*. (See, e.g., Column 10, lines 20-22).

In other words, *Huang et al.* does not teach or suggest a changeable transfer rate from the storage section. Nor does *Huang et al.* teach or suggest how to achieve a changeable transfer rate from the storage section. Furthermore, there is no teaching or suggestion in *Huang et al.* that a changeable transfer rate from the storage section is even desirable.

Remaining claims 6, 9 and 13 each depend from claim 1 and can be distinguished for at least the same reasons as well as based on the specific features included therein.

## **II. CONCLUSION**

Accordingly, all claims 1, 2, 6, 9, 10 and 13 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

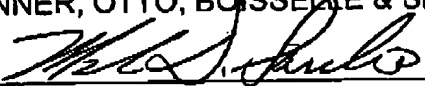
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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